

Docket No. R0052CON

JUN 23 2005

Certificate of Mailing/Transmission (37 C.F.R. § 1.8(a)):	
<input type="checkbox"/> Pursuant to 37 C.F.R. § 1.8, I hereby certify that this paper and all enclosures are being deposited with the United States Postal Service as first class mail on the date indicated below in an envelope addressed to the Commissioner for Patents, P.O. Box 1450 Alexandria, VA 22313-1450.	
<input checked="" type="checkbox"/> Pursuant to 37 C.F.R. § 1.6(d), I hereby certify that this paper and all enclosures are being sent via facsimile on the date indicated below to the attention of Examiner Victor X. Nguyen at Facsimile No 703-872-9306.	
Dated: June 23, 2005	Name of Person Certifying: <u>Guy Cumberbatch</u> Printed Name: Guy Cumberbatch

17 pages

5 IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re Application of: Chin )

Group Art Unit: 3731 )

Application No.: 09/413,012 )

Examiner: Victor X. Nguyen )

Filing Date: October 5, 1999 )

For: TISSUE DISSECTOR APPARATUS )

15 Commissioner for Patents  
P.O. Box 1450  
Alexandria, VA 22313-145020 ELECTION/AMENDMENT

Dear Sir:

Responsive to the Office Action dated May 18, 2004, and also to the two Notices of Non-Compliant Amendment dated June 20, 2005 (attached), please note the following remarks and enter the following changes.

Amendments to the Specification begin on page 2.

Amendments to the Claims begin on page 3.

30 Remarks begin on page 11.

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## UNITED STATES PATENT AND TRADEMARK OFFICE

R0052 C

UNITED STATES DEPARTMENT OF COMMERCE  
United States Patent and Trademark Office  
Address: COMMISSIONER FOR PATENTS  
P.O. Box 1450  
Alexandria, Virginia 22313-1450  
www.uspto.gov

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/413,012	10/05/1999	ALBERT K. CHIN	4496	1400
7590 06/20/2005				
LENA I. VINITSKAYA 3200 LAKESIDE DRIVE BUILDING B. 3RD FLOOR M/S 314 SANTA CLARA, CA 95054			EXAMINER NGUYEN, VIX	
			ART UNIT 3731	PAPER NUMBER

DATE MAILED: 06/20/2005

Please find below and/or attached an Office communication concerning this application or proceeding.



## UNITED STATES PATENT AND TRADEMARK OFFICE

COMMISSIONER FOR PATENTS  
UNITED STATES PATENT AND TRADEMARK OFFICE  
P.O. Box 1450  
ALEXANDRIA, VA 22313-1450  
www.uspto.gov

## Notice of Non-Compliant Amendment (37 CFR 1.121)

The amendment document filed on 06/09/05 is considered non-compliant because it has failed to meet the requirements of 37 CFR 1.121. In order for the amendment document to be compliant, correction of the following item(s) is required. Only the corrected section of the non-compliant amendment document must be resubmitted (in its entirety), e.g., the entire "Amendments to the claims" section of applicant's amendment document must be re-submitted. 37 CFR 1.121(h).

## THE FOLLOWING CHECKED (X) ITEM(S) CAUSE THE AMENDMENT DOCUMENT TO BE NON-COMPLIANT:

- ☐ 1. Amendments to the specification:
- ☐ A. Amended paragraph(s) do not include markings.
  - ☐ B. New paragraph(s) should not be underlined.
  - ☐ C. Other \_\_\_\_\_
- ☐ 2. Abstract:
- ☐ A. Not presented on a separate sheet. 37 CFR 1.72.
  - ☐ B. Other \_\_\_\_\_
- ☐ 3. Amendments to the drawings: \_\_\_\_\_
- ☒ 4. Amendments to the claims:
- ☐ A. A complete listing of all of the claims is not present.
  - ☐ B. The listing of claims does not include the text of all pending claims (including withdrawn claims).
  - ☒ C. Each claim has not been provided with the proper status identifier, and as such, the individual status of each claim cannot be identified. Note: the status of every claim must be indicated after its claim number by using one of the following 7 status identifiers: (Original), (Currently amended), (Canceled), (Withdrawn), (Previously presented), (New) and (Not entered).
  - ☐ D. The claims of this amendment paper have not been presented in ascending numerical order.
  - ☒ E. Other: CLAIMS 36, 42, 45, 51, 55, 65 AND 71.

For further explanation of the amendment format required by 37 CFR 1.121, see MPEP Sec. 714 and the USPTO website at <http://www.uspto.gov/web/offices/pac/dapp/opla/pronotice/officeflyer.pdf>.

If the non-compliant amendment is a **PRELIMINARY AMENDMENT**, applicant is given **ONE MONTH** from the mail date of this letter to supply the corrected section which complies with 37 CFR 1.121. Failure to comply with 37 CFR 1.121 will result in non-entry of the preliminary amendment and examination on the merits will commence without consideration of the proposed changes in the preliminary amendment(s). This notice is not an action under 35 U.S.C. 132, and this **ONE MONTH** time limit is not extendable.

If the non-compliant amendment is a reply to a **NON-FINAL OFFICE ACTION** (including a submission for an RCE), and since the amendment appears to be a *bona fide* attempt to be a reply (37 CFR 1.135(c)), applicant is given a **TIME PERIOD** of **ONE MONTH** from the mailing of this notice within which to re-submit the corrected section which complies with 37 CFR 1.121 in order to avoid abandonment. **EXTENSIONS OF THIS TIME PERIOD ARE AVAILABLE UNDER 37 CFR 1.136(a).**

If the amendment is a reply to a **FINAL REJECTION**, this form may be an attachment to an Advisory Action. The period for response to a final rejection continues to run from the date set in the final rejection, and is not affected by the non-compliant status of the amendment.

*Lisa Fulton*  
Legal Instruments Examiner (LIE)  
LISA FULTON

571-272-4348  
Telephone No.

JUN 23 2005



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7590 06/20/2005

LENA I. VINITSKAYA  
3200 LAKESIDE DRIVE  
BUILDING B, 3RD FLOOR  
M/S 314  
SANTA CLARA, CA 95054

EXAMINER

NGUYEN, VI X

ART UNIT

PAPER NUMBER

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DATE MAILED: 06/20/2005

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## THE FOLLOWING CHECKED (X) ITEM(S) CAUSE THE AMENDMENT DOCUMENT TO BE NON-COMPLIANT:

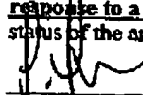
- ☒ 1. Amendments to the specification:
- ☐ A. Amended paragraph(s) do not include markings.
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  - ☒ C. Other MARKED UP COPY MISSING.
- ☐ 2. Abstract:
- ☐ A. Not presented on a separate sheet. 37 CFR 1.72.
  - ☐ B. Other \_\_\_\_\_
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